

CONVEYANCE OF LAND IN MADISON COUNTY, KY., TO
PIONEER NATIONAL MONUMENT ASSOCIATION

MARCH 7, 1956.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. DAWSON of Illinois, from the Committee on Government
Operations, submitted the following

R E P O R T

[To accompany S. 1992]

The Committee on Government Operations, to whom was referred the bill (S. 1992) to provide for the conveyance of a certain tract of land in Madison County, Ky., to the Pioneer National Monument Association, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

Your committee concurs with the recommendations of the Senate and adopts the report of the Senate, as set forth in Senate Report No. 1447, 84th Congress, 2d session, which is attached and made a part hereof.

[S. Rept. No. 1447, 84th Cong., 2d sess.]

PURPOSE

This bill would authorize and direct the Administrator of General Services to convey 7.6 acres of surplus land to the Pioneer National Monument Association, without consideration, for use as a site for a National Pioneer Monument.

The bill reserves to the United States certain rights of ingress and egress over a road crossing the property, a perpetual easement for maintaining a water pipeline, reversion of title should the land cease to be used as an historic site, free use of the land during a national emergency. The bill also provides for such additional conditions, exemptions, and reservations as the Administrator determines to be necessary and desirable to safeguard the interests of the United States. Perfecting amendments have been proposed by the Department of the Interior to permit retransfer to another public agency, if deemed appropriate, as a part of an historic site or monument, and to clarify the reversionary clause if said property ceases to be used for such purposes.

NEED FOR THIS LEGISLATION

Under section 203 (k) (2) of the Federal Property and Administrative Services Act of 1949, as amended, and section 13 (h) of the Surplus Property Act of 1944,

as amended, this property could be donated to the Pioneer National Monument Association, provided it is determined that the association is a public instrumentality or a political subdivision of the State of Kentucky and if assurance is given that the property will be used for the benefit of the public.

However, another proviso of the statute requires that no property shall be determined to be suitable or desirable for use as a historical monument except in conformity with the recommendations of the Advisory Board on National Parks, Historical Sites, Buildings, and Monuments, established by section 3 of the act of August 21, 1935 (49 Stat. 666), and that no property shall be so determined to be suitable or desirable for such use if (a) its area exceeds that necessary for the preservation and proper observation of the historic monument situated thereon, or (b) it was acquired by the United States at any time subsequent to January 1, 1900.

The General Services Administration has reported to the committee that the property covered by this bill was acquired by the Corps of Engineers, Department of the Army between 1902 and 1908, and thus failing to meet the requirement that it must have been acquired by the Government prior to January 1, 1900.

By letter dated May 27, 1955, the Department of the Interior reported on another bill, S. 140, to amend section 13 (d) of the Surplus Property Act of 1944, as amended, to extend the date prior to which surplus real property owned by the United States must have been acquired to be subject to conveyance by the United States for historic monument purposes, without monetary consideration, from January 1, 1900, to January 1, 1910. The land proposed to be transferred under S. 1992 could also be transferred to the Pioneer National Monument Association under the provisions of S. 140, if approved. The Department recommended that a revised draft submitted to the committee, which would remove the requirement as to date of acquisition, since the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has adopted the following policy as part of its criteria for consideration of historic sites:

"Structures or sites of recent historical importance relating to events or persons within 50 years will not as a rule be eligible for consideration."

Senator Clements, sponsor of S. 1992 (and S. 140) informed the chairman by letter dated January 19, 1956, that he now desires favorable action on S. 1992 in lieu of S. 140 or the revised draft proposed by the Department of the Interior. He has no objection to the clarifying amendments to S. 1992 as recommended by the Department.

UNITED STATES SENATE,
Washington, D. C., January 19, 1956.

HON. JOHN L. McCLELLAN,
Chairman, Government Operations Committee,
United States Senate, Washington, D. C.

DEAR JOHN: Your committee has before it two bills relating to the transfer of certain land situated in Madison County, Ky., which has been declared surplus by the Chief of Engineers, Department of the Army, and which is the proposed site of a national historical monument commemorating one of the early pioneer fortresses in Kentucky. I have reference, of course, to S. 140 and S. 1992. The latter bill would make conveyance directly to the Pioneer National Monument Association, which organization has long been interested in the historical significance of this tract of land. Inasmuch as a direct conveyance to this organization would more rapidly advance the establishment of a monument, it would be preferred to have your committee report favorably on S. 1992.

I have read the suggested amendments to the bill submitted by the Secretary of the Interior in a letter addressed to you under date of December 1, 1955. The first amendment would simply permit the association to transfer title to the land to a public agency to carry out the use of the land as a historic site or monument, and the second amendment would make the act conform to the general provisions now applicable to similar lands under the Surplus Property Act. Neither of these amendments is inconsistent with the objective to be accomplished by the legislation, and for this reason I have no objection to their inclusion in the final draft.

Your kind consideration of the above is, as always, appreciated.

With kindest personal regards, I am

Sincerely yours,

EARLE C. CLEMENTS,
United States Senator.

AGENCY COMMENTS

The General Services Administration, Department of the Interior, and the Bureau of the Budget interposed no objection to the approval of this bill. The comments and recommendations of the GSA and Department of the Interior are contained herein and made a part of this report.

GENERAL SERVICES ADMINISTRATION,
Washington, D. C., November 25, 1955.

Re S. 1992.

HON. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
United States Senate, Washington, D. C.

DEAR SENATOR McCLELLAN: Further reference is made to your letter of May 18 requesting the views of this agency regarding S. 1992, for the conveyance of certain land to the Pioneer National Monument Association.

The bill directs the Administrator of General Services to convey without consideration to the Pioneer National Monument Association some 7.6 acres of land situated in Madison County, Ky., to be used as part of the site for a National Pioneer Monument. The bill reserves to the United States certain rights of ingress and egress, an easement for a water pipeline, reversion of title should the land cease to be used as a historic site, free use of the land during a national emergency, and for such additional conditions as the Administrator determines to be desirable to safeguard the interests of the Government.

It is understood that the land is part of the site of United States lock and dam No. 10 reservation, acquired by the Corps of Engineers between 1902 and 1908, and is now surplus property.

If the Pioneer National Monument Association is an instrumentality of the State of Kentucky, it qualifies as a grantee eligible to receive without consideration surplus Federal property for historic monument purposes under section 13 (h) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1622 (h)). On the other hand, since the land was acquired by the United States subsequent to January 1, 1900, the land is not available for such conveyance under a limitation contained in that section of law.

Under section 203 (k) (2) (C) of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 484 (k)), the Secretary of the Interior, subject to disapproval by the Administrator of General Services, is directed to enforce, modify, and release terms and conditions of conveyances of surplus Federal property for historic monument purposes made under the Surplus Property Act of 1944 and the Federal Property and Administrative Services Act of 1949. It is recommended that the same responsibility be placed on the Secretary of the Interior with respect to the conveyance proposed in the subject bill.

Whether to convey the land involved in this bill notwithstanding that the date of its acquisition is beyond that specified in the general law on the subject is, of course, a matter of policy for the Congress. On the executive branch side, it is a problem within the competence of the Secretary of the Interior and the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. It would appear, however, that whether property is suitable for a historic site should depend on factors other than the date when the Government first acquired it.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Cordially yours,

EDMUND F. MANSURE, *Administrator.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., December 1, 1955.

HON. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
United States Senate, Washington, D. C.

MY DEAR SENATOR McCLELLAN: Your committee has requested a report on S. 1991, a bill to provide for the conveyance of a certain tract of land in Madison County, Ky., to the Pioneer National Monument Association. You also request advice as to whether or not the approval of this bill will be necessary if S. 140, on which we have already submitted comments, is enacted into law.

We recommend that S. 1992 be enacted, if amended as hereinafter suggested.

In response to your specific question, it is our view that the enactment of S. 140, if amended as suggested in our report on that bill, would permit the disposition of the property referred to in S. 1992 for historic monument purposes. The Surplus Property Act of 1944, which would be amended by S. 140, permits the conveyance of surplus property without consideration to States and political subdivision for historic monument purposes. We understand that if the Pioneer National Monument Association can be considered an instrumentality of the State of Kentucky, it would qualify as a grantee eligible to receive without consideration surplus Federal property for historic monument purposes. A determination of this point would be made, of course, at the proper time by the General Services Administration.

The Pioneer National Monument Association was organized as a corporation, we are informed, by the Daniel Boone Bicentennial Commission. That commission was created by the Kentucky General Assembly in 1934. The association was formed to carry forward the Pioneer National Monument project which was authorized by the act of June 18, 1934 (48 Stat. 982). While the national monument has not been established as yet, for various reasons, the association has a special interest in the historic properties to which this bill relates and which warrant preservation in some manner for the public benefit.

Our recommendation on S. 1992 is based upon our belief that the particular tract in question, comprising approximately 7 acres of land, is of sufficient historic importance to warrant its retention and preservation in the public interest. We believe that this would be accomplished adequately by the Pioneer National Monument Association under the terms of S. 1992. We believe, however, that such conveyance should be made to the association in a suitable manner and subject to appropriate conditions.

In these circumstances, we recommend the following amendments to this bill:

(1) Change lines 5 and 6, page 1, to read: "National Monument Association, for designation and use including disposition to a public agency if deemed appropriate as a part of a historic site or monument, all."

(2) Modify section 2 (c) to read: "(c) provide that such tract of land shall be reserved or used for the purpose for which it is conveyed for a period of not less than 25 years, and that in the event said property ceases to remain available or be utilized for such purpose during such period, as may be determined by the Secretary of the Interior, all or any portion thereof, in its then existing condition, shall revert to the United States; and."

The first amendment is desirable, in our opinion, in order that the property in question may be available as we have previously indicated for designation and use by the association, or its disposition to a public agency as a part of a historic site or monument. The second amendment would impose an obligation on the Pioneer National Monument Association to reserve or to use the property for the stated purposes for a reasonable period of not less than 25 years. This would be consistent with the requirements for deeds conveying surplus real property for historic monument purposes pursuant to the Surplus Property Act.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.